

## **New Hampshire Dredge Management Task Force Meeting Minutes – May 15, 2013**

**The meeting was held on Wednesday, May 15, 2013 from 10:30 AM to 11:45 AM at the New Hampshire Department of Environmental Services Office, 222 International Drive, Suite 175, Pease Tradeport, Portsmouth, NH.**

### **Introductions and Announcements**

Chairman Chris Williams asked members to introduce themselves. The list of attendees follows.

#### **Attending members in alphabetical order:**

Robert Boeri, Massachusetts Office of Coastal Zone Management

Norm Farris, U.S. Army Corps of Engineers (ACOE)

Chuck Gilboy, Representative Carol Shea-Porter

Olga Guza-Pabst, Environmental Protection Agency (EPA)

Mark Habel, ACOE

Carol Henderson, NH Fish and Game Department (NHF&G)

Sarah Holmes, Senator Jeanne Shaheen

Richard Holt, Sr., Portsmouth Pilots & Pease Harbor Advisory Board

Eric Nestler, Normandeau Associates

Phillip Nimeskern, ACOE

Michael Walsh, ACOE

Chris Williams, Chairman, New Hampshire Coastal Program (NHCP)

#### **Staff:**

Mary Power, NHCP

Chairman Williams asked for comments or revisions to the draft minutes from the January 23, 2013 meeting. Hearing none, he stated that the minutes will be finalized and placed on the Task Force web site

(<http://des.nh.gov/organization/divisions/water/wmb/coastal/dmtf/index.htm>).

### **Budget and Legislative Update**

Chairman asked Sarah Holmes of Senator Shaheen's office to provide an update. Ms. Holmes informed members that Andrew Zabel from the Senator's Washington, D.C. office would be calling-in to provide an update on the Senate's version of the Water Resources Development Act (WRDA) bill. Mr. Zabel stated that the bill does not include any project-specific earmarks and the only project that is mentioned in the bill that would impact New Hampshire is an environmental restoration project that stretches from the Virginia coast to Maine. That project is administered by The Nature Conservancy and is authorized at \$10 million per year for ten years. He then stated that the bill establishes a new process for authorizing ACOE construction projects, including those for navigation and harbor maintenance dredging. For new projects to be authorized they must have an ACOE Chief's report submitted to Congress prior to the date of the bill's enactment.

That will likely have an impact on the Piscataqua River Turning Basin project, which is still in the feasibility study phase. The bill also sets a time limit so that no new study presented after the date of the bill's enactment can take more than three years to complete or cost more than \$3 million for the federal cost share. Mr. Zabel stated that other items in the bill include additional spending from the Harbor Maintenance Trust Fund (HMTF), with the goal of fully expending HMTF dollars by 2020. If those targets are met, spending for maintenance dredging projects would increase by about \$600 million by 2020.

Mr. Zabel continued by stating that the bill makes a number of significant changes to the environmental review process by creating a new framework within which the ACOE can set deadlines for resource agencies to supply their approval with regard to the various environmental protection statutes such as the Clean Water Act, the Endangered Species Act, the Fish and Wildlife Coordination Act, etc. This would allow the ACOE to push projects forward and create deadlines for comments. If the deadlines are not met it does provide a couple of outs for resource agencies but it also enables the ACOE to fine them \$20,000 per week for any violations of the deadlines.

Chairman asked if there is language in the bill regarding the Cape Arundel Disposal Site (CADS). Mr. Zabel stated that the bill includes language that would allow CADS to be reopened upon the concurrence of the EPA and the ACOE. As worded, the bill would allow CADS to remain open until an Environmental Impact Statement is completed for another site, for five years, or until the remaining capacity of the site is utilized. Chair asked if there will be any volume restrictions. Mr. Zabel said there are no restrictions in the bill although it does authorize EPA to set terms and conditions of use. Chairman stated that Maine is interested in having CADS reopened because they have a number of dredging projects that would be cost prohibitive if the dredged material had to be hauled to other offshore disposal sites. He stated that New Hampshire is also supportive of having CADS reopened because the state currently has no practicable offshore disposal site.

Ms. Holmes asked Mr. Zabel for his outlook on the bill. Mr. Zabel said the Senate is voting on seven amendments to the bill today and he expects the bill to pass the Senate by the end of the day. Chairman then inquired about the probable time it will take for the House to pass a WRDA bill. Mr. Zabel said the House has not yet scheduled a hearing so it's uncertain when it will act on the bill.

Chairman Williams then asked Chuck Gilboy of Congresswomen Shea-Porter's office for an update from the House of Representatives. Mr. Gilboy stated that it would likely be later in the summer before the House acts on WRDA. He added that WRDA is a priority for the Congresswoman. He then stated that the Congresswoman is a co-sponsor of H.R.355, the Realize America's Maritime Promise Act, which strengthens the Harbor Maintenance Trust Fund (HMTF) by ensuring that amounts credited to the Fund are used for harbor maintenance. Discussion about the HMTF followed.

## **Project Updates**

### **■ Hampton-Seabrook Harbor Improvement Project**

Mark Habel, ACOE, stated that the project is complete and the ACOE is preparing the final as-built drawings for submittal to the Pease Development Authority – Division of Ports and Harbors. He stated that although they encountered some unexpected ledge/boulders and had to redraw the project boundaries, the project was considered a success and was completed on time. Chair asked if there has been any input from the Town of Seabrook regarding the placement of the dredged material on Seabrook Beach. Mr. Habel stated that Town of Seabrook is unhappy about a number of aspects of the project and has submitted several claims against the contractor for damages. Chair then asked about the status of the fence that was placed in the back-dune area in Seabrook. Mr. Habel stated that it has already been removed and replaced more than once. Carol Henderson, NH F&G, asked for a copy of the as-built drawings. Chair also asked about access to pre and post construction surveys. Mr. Habel said he would make them available. He also added that the ACOE's website contains the most recent condition survey. Discussion followed.

### **■ Piscataqua River “Simplex Shoal” Maintenance Dredge Completion**

Chairman Williams asked Mike Walsh, ACOE, to speak on behalf of the Project Manager, Bill Kavanaugh. Mr. Walsh stated that the project was completed in less than a week in February. Chair asked if the shoal off Frankfort Island was removed as part of the project. Mr. Holt, Moran Towing, stated that it had been removed. Chair then stated that he'd contact Mr. Kavanaugh regarding the final volume of material dredged. Discussion followed regarding the in-river disposal site located down-river in Maine waters.

### **■ Piscataqua River Turning Basin Improvement Project.**

Mr. Habel, ACOE, stated that the ACOE has received approval to execute a revised cost-sharing agreement to increase the cost of the feasibility study. The ACOE is currently awaiting signature from the Pease Development Authority – Division of Ports and Harbors. Once signed, the ACOE intends to complete the feasibility study by the end of 2013.

Mr. Habel then stated that the Towns of Wells, Maine, and Newburyport, Newbury and Salisbury, Massachusetts remain interested in taking the sandy dredged material from the project. He stated that the Town of Kittery, Maine has not committed to taking the dredged material even though they would receive it at no cost. Discussion followed.

Mr. Habel then stated that there has been some talk that Congress may increase the ACOE's Section 107 Program project limit, which is now \$7 million per project, to \$10 million per project. If the \$10 million limit is authorized, the ACOE could construct the Turning Basin Improvement project, with a 75% federal to 25% state initial cost share, under the Section 107 Program. This would eliminate the need for Congress to authorize the project in a WRDA bill. Ms. Holmes, Senator Shaheen, confirmed that the increase in the Section 107 per project limit is included in the Senate's version of the WRDA bill. She stated that she'd follow-up with Mr. Zabel about this. Discussion followed.

■ **Sagamore Creek and Portsmouth Back Channels Maintenance Dredge.**

Mike Walsh, ACOE, stated that the ACOE conducted a bathymetric survey of the Sagamore Creek channel in conjunction with the post-dredge survey of the Piscataqua River Simplex Shoal project. The survey indicates that shoaling remains more or less the same since the last survey. He also stated that the ACOE conducted an eelgrass survey in the fall of 2012. The eelgrass survey indicates that eelgrass is encroaching into the federal channel. As a result, the ACOE may have to mitigate for the loss of eelgrass when they dredge the channel. Discussion followed regarding eelgrass mitigation options.

It was suggested that information be presented at the next meeting regarding eelgrass mitigation options and success rates. Chair agreed and stated that he would look into scheduling a presentation at the next meeting.

**Other Business**

■ **Other Items**

Ms. Guza-Pabst of EPA informed members that the New England Regional Dredging Team (a.k.a. Sudbury Group) is currently scheduled to meet in Connecticut sometime in June.

■ **Schedule next Meeting**

September 18, 2013, 1:30PM, NHDES Pease office.

Adjourned, 11:45 AM